IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

MONDAY, THE 11TH DECEMBER 2006 / 20TH AGRAHAYANA 1928

WP(C).No. 30094 of 2006(G)

PETITIONER:

SATHYABHAMA,
D/O. LATE SANKARAN EZHUTHASSAN, PUTHAN VEEDU,
KOUNDATHARA, PANANGATTIRI,ELAVANCHERY PANCHAYATH,
CHITTUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:

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1. THE DISTRICT COLLECTOR, PALAKKAD.

2. THE TAHSILDAR,
CHITTUR, PALAKKAD DISTRICT.

3. THE VILLAGE OFFICER,
ELAVANCHERY VILLAGE, CHITTUR TALUK,
PALAKKAD DISTRICT.

4. THE ACCOUNTANT GENERAL (AUDIT &
ESTABLISHMENTS), THIRUVANANTHAPURAM.

BY GOVT. PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K. DENESAN, J.

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W.P.(C) No.30094 OF 2006 G
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Dated this the 11th December, 2006

J U D G M E N T

Sankaran Ezhuthassan, the father of the petitioner died on 8-2-1994. He was a Village Man in the Revenue Department and had retired from service on 6-4-1975. He was sanctioned terminal benefits and was a pensioner till his death. Thereafter his wife Rugmini who is the mother of the petitioner was granted family pension. On the death of Smt. Rugmini the petitioner who is the surviving member and who according to her is the only eligible unmarried daughter made a request for the grant of family pension. The respondents did not favourably consider the request but raised the objection that she had crossed the age of 25 years and her claim will have to be examined in the light of the relevant rules. The petitioner produced certificates in support of her statements and submitted representations also. Having not received any favourable order she has approached this Court.

2. Govt. Pleader, on instruction, submits that the request made by the petitioner is under active

consideration by the Government and appropriate decision will be taken without delay.

3. Counsel for the petitioner has referred to Ext.P6 Govt. Order dated 31-8-1998 which, inter alia, says that an unmarried daughter above the age of 25 years shall furnish a certificate from the Revenue Authorities to the effect that she was solely dependent on her parents and that she had no independent income. A certificate to the above effect has been produced by the petitioner before the authorities. It is contended that there cannot be any legal impediment to grant family pension to the petitioner. It is also submitted that the financial position of the petitioner is such that family pension will be the only solace for her and therefore delay in granting the same will result in hardship and irreparable injury.

4. Having heard the parties and perused the materials on record I think it necessary, in the interest of justice, to direct the respondents to process the application of the petitioner for family pension and take appropriate decision as expeditiously as possible, of course, with due compassion and as

required by law and justice. Respondents 1 and 4 are directed to take appropriate steps and pass orders within six weeks on the petitioner producing a copy of the judgment along with a copy of the writ petition. Care shall be taken to adhere to the time limit prescribed above.

K.K. DENESAN
JUDGE

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